

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

ELDRED NICHOLSON,

Plaintiff,

v.

P. FINANDER, et al.,

Defendants.

Case No. CV 12-9993-FMO (JEM)

ORDER ACCEPTING FINDINGS AND  
RECOMMENDATIONS OF UNITED  
STATES MAGISTRATE JUDGE

Pursuant to 28 U.S.C. § 636, the Court has reviewed the pleadings, the records on file, and the Report and Recommendation of the United States Magistrate Judge. No Objections to the Report and Recommendation have been filed within the time allowed for Objections. The Court accepts the findings and recommendations of the Magistrate Judge.

IT IS HEREBY ORDERED that Defendants' Motion to Dismiss Plaintiff's Complaint is GRANTED IN PART. Plaintiff's claims for damages against Defendants in their official capacities are DISMISSED with prejudice and without leave to amend. Plaintiff's claims against Dr. Finander and Dr. Hernandez are DISMISSED with leave to amend. Plaintiff may file a First Amended Complaint **within thirty (30) days** of this Order.

**IT IS SO ORDERED.**

DATED: April 11, 2014

/s/  
FERNANDO M. OLGUIN  
UNITED STATES DISTRICT JUDGE